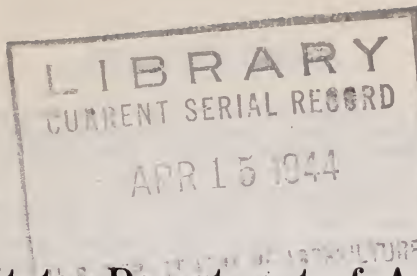


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WAR FOOD ADMINISTRATION

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NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

1886-1895

The notices of judgment herewith relate to cases instituted in the United States district courts and are approved for publication as provided in section 4 of the Insecticide Act of 1910 (36 Stat. 331).

Ashley Sellers

Assistant War Food Administrator.

WASHINGTON, D. C., January 25, 1944.

1886. Adulteration and misbranding of "Sodium Fluoride." U. S. v. Cole Laboratories, Inc. Plea of guilty. Fine \$300. (I. & F. No. 2269. I. D. Nos. 2388 and 2389.)

Examination of "Sodium Fluoride" showed that this product consisted of sodium fluoride (60 percent) and inert ingredients (sodium carbonate, calcium compounds, and other substances), and the label did not bear an ingredient statement as required by the Insecticide Act of 1910.

On June 1, 1942, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cole Laboratories, Inc., alleging shipment in interstate commerce, on or about November 12 and 13, 1941, from Long Island City, N. Y., into the State of Pennsylvania, of a quantity of "Sodium Fluoride," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that (1) its strength and purity fell below the professed standard and quality under which it was sold, and (2) other substances had been substituted in part for the product, that is to say, sodium fluoride.

The product was alleged to be misbranded in that the statement, "Sodium Fluoride," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product consisted of a mixture of sodium fluoride, sodium carbonate, calcium compounds, and other substances.

The product was alleged to be misbranded further in that it consisted partially of inert substances (substances other than sodium fluoride), which would not prevent, destroy, repel, or mitigate insects, and the label did not bear a statement showing the name and percentage amount of each and every one of such inert ingredients, nor, in lieu thereof, were the name and percentage amount of each and every ingredient having insecticidal properties and the total percentage of the inert ingredients stated plainly and correctly on the label.

A plea of guilty having been entered on June 15, 1942, the court, on June 30, 1942, imposed a fine of \$50 on each of six counts.

1887. Adulteration and misbranding of "Powdered Trojan Derris Root," "Powdered Trojan Cube Root," and "Powdered Cube Root." U. S. v. S. B. Penick & Company. Plea of guilty. Fine \$603. (I. & F. No. 2325. I. D. Nos. 4972, 6631, and 6652.)

Analyses of samples of "Powdered Trojan Derris Root" showed that the product contained 10 percent less than the quantity of derris extractives other than rotenone that was stated on the label; and analyses of samples taken from one shipment of "Powdered Cube Root" showed a 28-percent shortage in the content of cube extractives other than rotenone, and from the other shipment a shortage of 16 percent in the rotenone content.

On September 20, 1943, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against S. B. Penick & Company, alleging shipment in interstate commerce, on or about January 15, August 6, and October 1, 1942, from Lyndhurst and Kingsland, N. J., into the States of Connecticut and South Carolina, of quantities of "Powdered Trojan Derris Root," "Powdered Trojan Cube Root," and "Powdered Cube Root," which were adulterated and misbranded insecticides within the meaning of the Insecticide Act of 1910.

Each of the products was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, as shown by the following statements:

The "Powdered Trojan Derris Root" was labeled, in part, "Active Ingredients Rotenone 5% Other Derris Extractives 11% Inert Ingredients 84%," whereas it contained less than 11 percent of derris extractives other than rotenone and more than 84 percent of inert ingredients.

The "Powdered Trojan Cube Root" was labeled, in part, "Active Ingredients: Rotenone 4% Other Cube Extractives (minimum) 11% Inert Ingredients (maximum) 85%," whereas it contained less than 11 percent of other cube extractives and more than 85 percent of inert ingredients.

The "Powdered Cube Root" was labeled, in part, "Active Ingredients: Rotenone . . . 5.9% Other Cube Extractives (minimum) . . . 6% Inert Ingredients (maximum) . . . 88.1%," whereas it contained less than 5.9 percent of rotenone.

It was alleged that each product was misbranded in that the statements of ingredients, as quoted in the preceding paragraphs, borne on the labels, were false and misleading, and by reason thereof each product was labeled and branded so as to deceive and mislead the purchaser.

On October 5, 1943, a plea of guilty was entered and the court imposed a fine of \$200 each on counts, one, three, and five, and \$1 each on counts two, four, and six.

1888. Adulteration and misbranding of "Chloro-San." U. S. v. 75 cases of "Chloro-San." Default decree of condemnation and destruction. (I. & F. No. 2317. I. D. No. 6239.)

An analysis of "Chloro-San" showed that the product contained 3.65 percent of sodium hypochlorite.

On May 22, 1943, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases, each containing 12 one-quart bottles, more or less, of "Chloro-San," at Blytheville, Ark., alleging that the product had been shipped in interstate commerce, on or about November 23, 1942, by the C. G. Whitlock Company, from Springfield, Ill., and charging that the product was a misbranded and adulterated fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Sodium Hypochlorite 5.25% Inert Ingredients 94.75% By Weight."

The product was alleged to be misbranded for the reason that the statement, "Sodium Hypochlorite 5.25% Inert Ingredients 94.75% By Weight," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product contained sodium hypochlorite in a proportion less than 5.25 percent and inert ingredients in a proportion greater than 94.75 percent, by weight.

The product was alleged to be misbranded further in that the statements, "Chloro-San * * * Sterilizer * * * Disinfectant * * * Available Chlorine solution of 100 parts per million is prepared by adding 1 ounce of Chloro-San to 4 gallons of water," were false and misleading and tended to deceive and mislead the purchaser, since the product was not a sterilizer, could not be relied

upon as a disinfectant when diluted 1 ounce to 4 gallons of water, and did not give a solution containing 100 parts per million of available chlorine when so diluted.

On November 29, 1943, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

1889. Adulteration and misbranding of "Pyrethrum Extract 20." U. S. v. five cans of "Pyrethrum Extract 20." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2283. I. D. No. 5853.)

An analysis of "Pyrethrum Extract 20" showed that the product consisted of refined mineral oil distillate, together with green coloring matter and a small amount of chlorinated compounds.

On September 18, 1942, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five 5-gallon cans of "Pyrethrum Extract 20," at Middleton, Wis., alleging that the product had been shipped in interstate commerce, on or about June 10, 1942, by the Associated Chemists, Inc., from Chicago, Ill., and charging that it was a misbranded and adulterated insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that (1) its strength and purity fell below the professed standard and quality under which it was sold, since the product was labeled "Pyrethrum Extract 20," and was not an extract of pyrethrum; and (2) other substances had been substituted for extracted material from pyrethrum flowers.

The product was alleged to be misbranded for the reason that the statement, "Pyrethrum Extract 20," borne on the label was false and misleading and tended to deceive and mislead the purchaser, since the product was not a pyrethrum extract but consisted chiefly of mineral oil, together with coloring matter and a small amount of chlorinated compounds.

On September 14, 1943, no claimant having appeared, judgment of condemnation and forfeiture was entered and the United States marshal was ordered to destroy the product so condemned and forfeited.

1890. Adulteration and misbranding of "do-do." U. S. v. 63 cases, each containing 12 one-quart bottles, of "do-do." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2318. I. D. No. 7054.)

Analyses of samples of "do-do" showed that the product contained 3.29 percent of sodium hypochlorite.

On May 12, 1943, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 cases, each containing 12 one-quart bottles, of "do-do," at Milwaukee, Wis., alleging that the product had been shipped in interstate commerce, on or about October 28, 1942, by the Beacon Chemical Corporation, from Chicago, Ill., and charging that the product was a misbranded and adulterated fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled, "Sodium Hypochlorite—5.25% By Wgt. Inert Ingredients—94.75% By Wgt.," whereas it contained less than 5.25 percent of sodium hypochlorite and more than 94.75 percent of inert ingredients.

The product was alleged to be misbranded in that the statements, "Sodium Hypochlorite — 5.25% By Wgt. Inert Ingredients — 94.75% By Wgt." and "do-do disinfects * * * For washing dishes, glassware, etc.—Put two table-spoons do-do in dish water. Use only ½ normal soap requirement. * * * For mops and dishcloths — Put a cup of do-do in a pail of warm water and wash. Rinse. For garbage cans — Fill can with water, add a cup of do-do, mix well, allow to stand one hour. * * * For toilet bowls — Pour one cupful do-do in bowl. Swish well over all inside surface. For bath tubs — Put two cups do-do in a half tub of water. Swab with brush or cloth. For tile, marble, enamelware, linoleum, windows — Add cup of do-do to a pail of warm water and wash; rinse and dry * * * For animals — As a disinfectant for dogs, cats, livestock, etc., wash with a solution of ½ cup do-do in a gallon of warm water. Rinse — dry," borne on the label, were false and misleading, and by reason thereof the product was labeled so as to deceive and mislead purchasers, since it contained less than 5.25 percent by weight of sodium hypochlorite and more than 94.75 percent by weight of inert ingredients, and, when used as directed, it could not be relied upon as a disinfectant and would not disinfect animals.

On September 24, 1943, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed by the United States marshal.

1891. Adulteration and misbranding of "Hughes Sure-Kill." U. S. v. Henry J. Brownstein, trading as the Hysan Products Company. Plea of guilty. Fine \$100. (I. & F. No. 2279. I. D. Nos. 3398 and 3879.)

An analysis of "Hughes Sure-Kill" disclosed that the product contained 26.11 percent of inert ingredients instead of not over 16 percent, as indicated on the label, and the weight of the contents of the cans was found to be 2.6 percent less than 1 pound.

On November 30, 1942, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry J. Brownstein, trading as the Hysan Products Company, alleging shipment in interstate commerce, on or about October 8, 1941, from Chicago, Ill., into the State of Texas, of a quantity of "Hughes Sure-Kill," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it contained inert ingredients in a proportion greater than the percentage stated on the label.

The product was alleged to be misbranded in that the statement, "Net Weight 1 Pound," and the following statements:

"INERT INGREDIENTS

| | Not over | | Not over |
|---|----------------|-------------------------|----------|
| Sodium Sulphate----- | 2.00% | Sodium Bicarbonate----- | 1.00% |
| Sodium Carbonate----- | 1.00% | Siliceous Matter----- | 0.40% |
| Sodium Chloride----- | 0.45% | Nile Blue Color----- | 0.15% |
| Pyrethrum Powder other than Pyrethrins----- | not over 11%," | | |

borne on the label, were false and misleading, and by reason thereof the product was labeled so as to deceive and mislead purchasers, since the cans contained less than 1 pound and more than 16 percent of inert ingredients.

On February 10, 1943, a plea of guilty was entered and the court imposed a fine of \$100.

1892. Adulteration and misbranding of "Fluorex V" and misbranding of "White Fluorex V." U. S. v. American Fluoride Corporation. Plea of guilty. Fine \$50 each on counts one and two relative to "Fluorex V" and \$100 on count three relative to "White Fluorex V." (I. & F. No. 2300. I. D. Nos. 2455 and 2464.)

An analysis of the product called "Fluorex V" showed that it contained 59.1 percent of sodium fluosilicate instead of 75 percent, as stated on the label. The product called "White Fluorex V" did not bear an ingredient statement as required by the Insecticide Act of 1910.

On May 27, 1943, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Fluoride Corporation, alleging shipment in interstate commerce, on or about July 10, 1942, from New York, N. Y., into the States of West Virginia and Connecticut, of quantities of "Fluorex V" and "White Fluorex V." The shipment to West Virginia was an adulterated and misbranded insecticide and the shipment to Connecticut was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product called "Fluorex V" was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled, "Active Ingredient: Sodium Fluosilicate 75% Inert Ingredients 25%," whereas it contained less than 75 percent of sodium fluosilicate and more than 25 percent of inert ingredients.

The product was alleged to be misbranded in that the statements, "Active Ingredient: Sodium Fluosilicate 75% Inert Ingredients 25% * * * Fluorex V (A Fluoride Insecticide) Fluorex V has proved to be an efficient insecticide, much used in the household for the control of * * * Beetles" and "Poultry raisers find Fluorex V very effective against chicken lice. A pinch of the powder is placed on the various parts of the body. This kills the lice and protects from further invasion," borne on the label, were false and misleading, and by reason

thereof the product was labeled so as to deceive and mislead purchasers, since it contained less than 75 percent of active ingredient and more than 25 percent of inert ingredients, and, when used as directed, would not control all household beetles or protect chickens from further invasions of ice.

The product called "White Fluorex V" was alleged to be misbranded in that it consisted partially of inert substances (substances other than sodium silicofluoride) and the names and percentage amounts thereof were not stated plainly and correctly on the drum; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the product having insecticidal properties and the total percentage of the inert substances present therein stated plainly and correctly on the drum.

On July 12, 1943, a plea of guilty was entered and the court imposed a fine of \$50 on each of counts one and two in regard to "Fluorex V," and \$100 on count three in regard to "White Fluorex V."

1893. Misbranding of "Sterilan." U. S. v. American Fluoride Corporation. Plea of guilty. Fine \$100. (I. & F. No. 2306. I. D. No. 6483.)

On May 27, 1943, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Fluoride Corporation, alleging shipment in interstate commerce, on or about July 21, 1942, from New York, N. Y., into the State of California, of a quantity of "Sterilan," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was misbranded for the reason that it consisted partially of inert substances (substances other than sodium silicofluoride) and the names and percentage amounts of the inert substances were not stated plainly and correctly on the drums containing the product, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the product having insecticidal properties and the total percentage of the inert substances present therein stated plainly and correctly on the drums.

On July 12, 1943, a plea of guilty was entered and the court imposed a fine of \$100.

1894. Adulteration and misbranding of "Magitex." U. S. v. Magitex Company, Inc. Plea of nolo contendere. Fine \$100. (I. & F. No. 2285. I. D. Nos. 3179 and 4619.)

On December 16, 1942, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Magitex Company, Inc., alleging shipment in interstate commerce, on or about November 12 and 13, 1941, from Biddeford and Saco, Maine, into the District of Columbia and the State of Florida, of a quantity of "Magitex," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that the statements, "Active Ingredients: Alkyl Aryl Sulfonate, 6%. Glycerine, 1%. Pine Oil, 3%. Pyrethrum Extract, 8%. Propyl Para Hydroxybenzoate, 1%. Alcohol, 10%. Inert, 71.9%," borne on the label affixed to each bottle containing the product, purported and represented that the standard and quality of the product were such that it contained 71.9 percent of inert ingredients, whereas the strength and purity of the product fell below the professed standard and quality under which it was sold, since it contained more than 71.9 percent of inert ingredients.

The product was alleged to be misbranded in that the statements quoted in the preceding paragraph were false and misleading and tended to deceive and mislead the purchaser in that the product contained more than 71.9 percent of inert ingredients; "alkyl aryl sulfonate" is not the name of an ingredient; and pyrethrum extract, other than pyrethrins, is inert.

The product was alleged to be misbranded further in that the statements, "Magitex * * * Kills parasites * * * How to use Magitex for Dogs and Cats Magitex is always used in the form of bubbles or lather, and is for external use only. Put two tablespoonfuls into a deep basin and add a cup of water, more or less, depending on the size and coat of the animal. Then, with an ordinary egg beater, whip into a thick lather. To * * * kill * * * mites, ticks, * * * Using hands or a sponge, go over the animal with Magitex lather and wipe with a cloth or a towel. * * * For Cattle and Horses. Magitex will very effectively rid horses and cattle of all skin parasites. Apply to all infested areas. It kills * * * mites, ticks, etc." and "Note: As eggs or nits hatch in from seven to twelve days, a second application should be given

at this time, to prevent reinfection," borne on the label, were false and misleading, and by reason thereof the product was labeled so as to deceive and mislead purchasers, since, when used as directed, it would not kill all parasites, all skin parasites of cattle and horses, all insects represented by the abbreviation "etc.;" it would not kill ticks, all varieties of mites infesting dogs, cats, cattle, and horses; and the statement under "Note" implied a greater effectiveness for the product than it possessed.

The product was alleged to be misbranded further in that the statements, "Magitex * * * Kills Parasites * * * Use Magitex * * * To kill * * * mites and ticks * * * For sleeping quarters, mattresses, etc., Magitex lather effectively * * * keeps them free from parasites. To keep your dog or cat * * * free from parasites, * * * use Magitex regularly * * * 4. Magitex combines in one formula ingredients that kill parasites * * * 5. Magitex is applied as millions of tiny bubbles which instantly find the lowest skin level, quickly destroying parasites * * * 6. Add 2 tablespoonfuls of Magitex to one cup of water, whip to a lather, apply to your pet with hand or sponge. Wipe off. Do not rinse. Presto!—You have a clean, sweet smelling animal, free of * * * mites and ticks. * * * Read what Mr. H. V. Howland of the Spur Magazine says about Magitex * * * Magitex * * * secondly it kills parasites * * *" appearing in a circular which accompanied the shipment to the District of Columbia, were false and misleading, and by reason thereof the product was labeled so as to deceive and mislead purchasers, since it would not kill all parasites or all mites and ticks, and would not keep sleeping quarters, mattresses, and dogs and cats free from parasites.

On September 28, 1943, the defendant entered a plea of nolo contendere and the court imposed a fine of \$100.

1895. Adulteration and misbranding of "Sure-Klean." U. S. v. 148 cartons, more or less, of "Sure-Klean." Decree of condemnation, forfeiture, and destruction. (I. & F. No. 2288. I. D. Nos. 5148, 5163, and 5164.)

An analysis of "Sure-Klean" showed that this product was a solution of sodium hypochlorite. The pint bottles were found to contain 4.18 percent, and the quart and one-half-gallon bottles 2.78 percent, of sodium hypochlorite.

On October 8, 1942, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cartons containing 24 one-pint bottles each, 25 cartons containing 12 one-quart bottles each, and 23 cartons containing 6 one-half-gallon bottles each, of "Sure-Klean," at Gulfport, Miss., alleging that the product had been shipped in interstate commerce, on or about July 7 and August 4, 1942, by F. Uddo & Sons, from New Orleans, La., and charging that the product was a misbranded and adulterated fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredient Sodium Hypochlorite 5% by Wt. when packed. Inert Ingredients—95% by Wt."

The product was alleged to be misbranded in that the statements, "Active Ingredient Sodium Hypochlorite 5% by Wt. when packed Inert Ingredients - 95% by Wt.," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained less than 5 percent by weight of sodium hypochlorite and more than 95 percent by weight of inert ingredients.

On November 11, 1943, F. Uddo & Sons having appeared as claimant and admitted the allegations of the libel, a decree of forfeiture and condemnation was entered and the court ordered that the product under seizure be destroyed and that the claimant be permitted to salvage the empty bottles and cartons.

INDEX TO NOTICES OF JUDGMENT 1886-1895

| | N. J. No. | | N. J. No. |
|-----------------------------------|-----------|--------------------------------|-----------|
| Chloro-San: | | Pyrethrum Extract 20: | |
| C. G. Whitlock Company----- | 1888 | Associated Chemists, Inc----- | 1889 |
| do-do: | | Sodium Fluoride: | |
| Beacon Chemical Corporation-- | 1890 | Cole Laboratories, Inc----- | 1886 |
| Fluorex V and White Fluorex V: | | Sterilan: | |
| American Fluoride Corpora- | | American Fluoride Corpora- | |
| tion ----- | 1892 | tion ----- | 1893 |
| Hughes Sure-Kill: | | Sure-Klean: | |
| Henry J. Brownstein----- | 1891 | F. Uddo & Sons----- | 1895 |
| Hysan Products Company----- | 1891 | White Fluorex V and Fluorex V: | |
| Magitex: | | American Fluoride Corpora- | |
| Magitex Company, Inc----- | 1894 | tion ----- | 1892 |
| Powdered Trojan Derris Root, Pow- | | | |
| dered Trojan Cube Root, and | | | |
| Powdered Cube Root: | | | |
| S. B. Penick & Company----- | 1887 | | |

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